

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rodney Alan Mattmiller,

Civil File No. 05-1841 (PAM/JJG)

Petitioner,

v.

ORDER

Randy J. Kopesky, Tom Adkins, and the
Attorney General for the State of
Minnesota,

Respondents.

This matter is before the Court on Petitioner's Supplemental Objections; his letter requesting permission to file a motion for reconsideration of this Court's April 12, 2006, Order; and his Motion for a New Trial. The Court overrules the Supplemental Objections as untimely, denies the request for permission to seek reconsideration, and denies the Motion for a New Trial.

On February 15, 2006, United States Magistrate Judge Jeanne J. Graham issued a Report and Recommendation ("R&R") recommending that the Petition for Writ of Habeas Corpus be denied. Objections were due on March 8, 2006, and Petitioner timely filed his Objections on February 24, 2006. The Court addressed the Objections and adopted the R&R on April 12, 2006. (Docket No. 16.) Later that day, Petitioner filed the Supplemental Objections. (Docket No. 17.)

The Court overrules the Supplemental Objections as untimely. Petitioner filed these objections long after the deadline imposed by the R&R, and he did not seek permission to file

untimely objections. In addition, the Court's Order denying the Petition and dismissing the case was filed prior to the Supplemental Objections.

As to the request for permission to seek reconsideration, Petitioner has failed to show compelling circumstances as mandated by D. Minn. LR 7.1(g). He merely reiterates arguments previously raised and considered by the Court. As for the reference to United States v. Minnesota, 97 F. Supp. 2d 973 (D. Minn. 2000) (Frank, J.), of which Petitioner contends he only recently learned, this case was fully considered by the Magistrate Judge whose analysis this Court adopted. The request for reconsideration is therefore denied. The Motion for a New Trial, which Petitioner makes under Federal Rule of Civil Procedure 59, is likewise denied.

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's Supplemental Objections (Docket No. 17) are **OVERRULED**;
2. Petitioner's request for leave to file a motion for reconsideration (Docket No. 20) is **DENIED**; and
3. Petitioner's Motion for a New Trial (Docket No. 19) is **DENIED**.

Dated: May 1, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge